

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

STEPHEN GERARD SMITH,)	
)	Case No. 1:22-cv-145
<i>Petitioner,</i>)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge Susan K. Lee
MARTIN FRANK,)	
)	
<i>Respondent.</i>)	
)	

JUDGMENT ORDER

In accordance with the accompanying memorandum opinion, Respondent's motion to dismiss this petition as time-barred (Doc. 10) is **GRANTED** and this prisoner's pro se petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 is **DISMISSED**. A certificate of appealability **SHALL NOT** issue. Because the Court has **CERTIFIED** in the memorandum opinion that any appeal from this order would not be taken in good faith, should Petitioner file a notice of appeal, he is **DENIED** leave to appeal *in forma pauperis*. See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24. The Clerk is **DIRECTED** to close the file.

SO ORDERED.

/s/ Travis R. McDonough
TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ LeAnna R. Wilson
CLERK OF COURT